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FROM USMISSION UNESCO PARIS

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SUBJECT: UNESCO ETHICS PROGRAMS, THE SKY'S THE LIMIT

REF: PARIS 03497

1. Summary and comment. The World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) held an "extraordinary" session in Paris on June 27-28, 2006. This meeting was held to brief members on current activities and to obtain recommendations on next steps in three areas of "ethics" work in particular: nanotechnology, the environment, and science. The Commission also approved a recommendation concerning ethics in science and considered policy documents on ethics in nanotechnology and the environment, both of which will be considered at the next ordinary session, in 2007.

2. Background: COMEST was created in 1998 to advise UNESCO on ethical issues, exchange ideas, promote dialogue and detect early signs of risk associated with science and technology. The Director General (DG) chooses the 18 Members of COMEST, who serve as independent experts and not as representatives of Member State. Amcit Midge Decter is one of the members. In addition, the presidents of various other scientific and UNESCO bodies are ex-officio members; this includes the presidents of the International Bioethics Committee (IBC), the Intergovernmental Bioethics Committee (IGBC), the International Council of Scientific Unions (ICSU), the Intergovernmental Oceanographic Commission (IOC), and the Pugwash Conference on Science and World Affairs.

3. Henk ten Have, director of UNESCO's division of ethics of science and technology in the sector of social and human sciences (SHS), reviewed for the Commission the various activities relating to ethics of science and technology underway within SHS.

--GLOBAL ETHICS OBSERVATORY

He described work in the Global Ethics Observatory to create databases of ethics experts, institutions dealing with ethics, teaching programs, and related legislation guidelines and policies. He described capacity building efforts to promote teaching.

--ETHICS OF OUTER SPACE

According to Ten Have, the main activities in this area are said to relate to consciousness raising. UNESCO and numerous other organizations (e.g., the European Space Agency) are co-sponsoring a conference October 26-27, calling attention to ethical issues related to space. .

--SCIENCE ETHICS

Ten Have said the idea originated with member countries that wanted to develop a code of conduct to protect against bioterrorism. Those countries (unnamed) felt that scientists don't know that their work can be used for bad as well as good. The discussion focused on a possible pledge, like the Hippocratic Oath, but then expanded to include other issues-economic and political pressures on scientists.

The Executive Board in April 2004 directed that studies be undertaken to determine the feasibility of drafting a declaration on science ethics. There were two meetings in this direction (a meeting of experts in Paris, March 2005, and a meeting of COMEST in Bangkok later that month). The Executive Board in September 2005 renewed the directions for a feasibility study, but at the urging of the U.S. the General Conference in October 2005 halted that in favor of reflection by the DG on the topic (Resolution 39). This reflection is now underway, assisted by consultations around the world. The DG is to report to the Executive Board in October on his reflections.

¶4. In addition, SHS is analyzing various existing codes of conduct.

It is also examining the Recommendation on the Status of Scientific Researchers adopted by the General Conference in 1974 to see if the Recommendation is still valid, why has it not been invoked by Member States and whether it should be brought to the States' attention again.

¶5. Prof. Sang-Yang Song of Korea summarized the consultations that have been held to inform the DG's reflection. As he characterized them, there were no objections to developing a universal code, except at the consultation in Geneva, where the U.S. made a forceful intervention. He quoted portions of the U.S. intervention, in particular the opposition to the development of new normative instruments. According to Song the U.S. view was a minority opinion. It should be listened to, but since (he said) one cannot make a clear distinction between normative instruments and reflection, the majority view (that a code should be developed) should be followed. (Comment: Song earlier showed a strong anti-American streak in a paper he wrote for the consultations, indirectly accusing the United States of using germ warfare during the Korean War.)

¶6. Song's intervention also recalled that Ten Have had told health attach on May 19 (reftel) that the U.S. intervention in Geneva was "strong" and impliedly unnecessary since the earlier consultation (in India) had agreed that there was no need to develop a new normative instrument or change the 1974 Recommendation and that they would not be proposing to amend the 1974 Recommendation or to develop a new normative instrument. (Comment: Prof. Song's summary demonstrated the importance and value of the Geneva intervention; without it, he apparently would have reported that there was unanimous consensus to go forward with a new code.)

¶7. There was a discussion about what COMEST should do in light of the General Conference Resolution 39 directing that the DG reflect on the issue of ethics in science rather than doing a feasibility study of a declaration. Midge Decter pointed out that the codes of conduct are all quite basic ("anodyne") and that they are written at the highest level of principle. One does not need a code of conduct to be informed that fraud is bad. There was general agreement that the issues are how a code is implemented and to whom it is addressed (should it include funders as well as scientists). The COMEST chairperson concluded the discussion by saying that COMEST would redefine the 1974 Recommendation in light of different circumstances (the rights of researchers in that document, she said, is important in developing countries) and would "systematize" the different existing codes of conduct by comparing them and identifying common values. The president of the IBC, noted the contradiction between saying that COMEST is considering revisions to the 1974 Recommendation and that it was not considering normative instruments (because the 1974 Recommendation is a normative

instrument and could be changed only by another one). She said she was (correctly) "confused."

¶8. COMEST approved a recommendation to the DG that contains several provisions that, read together, imply work leading to normative instruments:

Further consultations and reflections should be carried out "in order to identify a general ethical framework to guide scientific activity that will cover other stakeholders beyond the focus on scientists";

UNESCO should "work out such a general ethical framework";

The "subsequent elaboration and/or implementation of specific codes of conduct...."

(Comment: This will be raised at the next Executive Board. The U.S. should be prepared to clarify that this relates to existing codes, and is not an invitation to support work by UNESCO on developing new codes or revising the 1974 Recommendation.)

¶9. ETHICS OF NANOTECHNOLOGY

Ten Have reminded the group that the ethics of nanotechnology are not now in the Work Program and asked if COMEST believed that UNESCO should work on that topic, and if so, what should it do? As thus phrased, of course, there was only one answer, and it was supplied by the Chairman: COMEST can, and should, advise the DG to include the bioethics of nanotechnology in its work program, but governments decide. The question will come back for action at the COMEST meeting (in Africa) in 2007.

¶10. ENVIRONMENTAL ETHICS

Prof. Johan Hattingh of South Africa presented the work of the expert group on environmental ethics. A book on the topic is scheduled to come out by the end of the year. In addition, a draft policy advice prepared by the Bureau was presented. If approved, it would be adopted by COMEST at its 2007 meetings. The document is not worth describing in detail, but we have included a few interesting statements from it below:

Every form of life should be respected, regardless of its utility to human beings.

Emphasizing the primacy of individual beings may threaten biodiversity.

Safeguarding the biosphere is probably more important than the preservation of any single individual, species, or ecosystem.

Every human (present or future) has a right to an environment that is conducive to his health and well-being, and also a responsibility towards environmental protection.

The consequences of environmental degradation are often borne disproportionately by disadvantaged groups.

The precautionary principle seems to be susceptible of consensus but needs better understanding.

When human activities may lead to morally unacceptable harm that is scientifically plausible but uncertain, action shall be taken to avoid or diminish that harm.

UNESCO could promote the consideration of Earth as a whole, including renewable and non-renewable resources as global commons.

Ethical concern for the environment is a shared responsibility and should not be delegated to any organization or group alone.

In ethical terms, the burden of proof should lie with those who commit action that endangers living beings or the environment.

A fair and pragmatic approach to the emission of greenhouse gases would be to move gradually towards quotas that would not be indexed to GDP (Kyoto protocol) but rather would be based on population.

War is a major threat to the environment.
The international community may be willing to proclaim the necessity to move towards mandatory ethical education for scientists.

Proposal to create a World Committee of Environmental Ethics (WCEE) and National Committees of Environmental Ethics (NCEE).

UNESCO could explore ways to develop alternative paradigms of thought and action to determine if they can replace dominant paradigms of thought and practice

¶11. A few of the COMEST members thought the document was good. Most were dismayed by it, for a variety of different reasons. Prof. da Silva, who works to save the Amazonian rain forest, was opposed to it on many grounds: it pitted science against the culture of ethics; was "religious" in protecting all forms of life, instead of considering the practical benefits of diversity. In other words, we have an "interest" in biodiversity, not "respect" for it. Others pointed out that the document makes a statement of position when COMEST should be deciding only whether to advise DG that UNESCO should do work in the area. The upshot was that COMEST members would be given a chance to comment on the document, and it will be considered again at the 2007 meeting (there was discussion as to whether that would provide enough time, depending on the uncertain timing of the 2007 meeting, for the DG to put a proposal before the next General Conference).

¶12. AVICENNA PRIZE

This prize, sponsored by Iran, goes to a scientist for work in the field of ethics. It is a cash award, plus a week in Iran (teaching). The DG will soon be sending a letter requesting nominations.

¶13. NEW TOPICS FOR COMEST CONSIDERATION

Finally, there was discussion of other areas that might be of interest to COMEST: biometrics, robotics, neuroscience, communications (tracking people), privacy vs. security. The Bureau will consider topics for future COMEST attention.

¶14. GUIDANCE FROM MEMBER STATES

There was much discussion during the session of the fact that with respect to bioethics there is a governmental body (IGBC) to help steer the experts (IBC) but that for other ethical issues, there is no Member State organization between the COMEST and the DG to give COMEST political input. (Comment: In fact the IBC ignored the recommendations of the IGBC in preparing its draft of the universal declaration on bioethics for submission to the member states.)

¶15. Comment. The internal dynamics of COMEST (and indeed of any group similarly constituted) mean that it will pose a constant problem of meddlesome activism. Being named an "expert" to advise the Director-General of UNESCO on important issues of science and ethics is clearly a heady broth. The members felt an obligation/opportunity to play a role. The aggregated effect of these individual motivations is reinforced by an institutional reality: once having been created, COMEST must carry out the mission it is given (which in its case is very broad). Finally, the discussion at the meeting and the activities being undertaken by the Secretariat demonstrated how Member States' efforts to influence

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UNESCO actions are like pillow punching. Their efforts to control activities result in activities that are beyond their control (and often even beyond their knowledge). The COMEST members recognized that because of the General Conference Resolution 39 normative instruments are not (currently) in their armamentarium. However, expert groups, appointed by the Secretariat, and the Secretariat themselves, are preparing policy documents to bring to the Member States (which then requires great effort to modify or reject them) and producing publications without any Member State review. At one point, one COMEST member noted that this was an important way of exercising their independence. Thus pressure for normative instruments can be built through "experts'" pronouncements, publications, policy documents, and the like. Even if Member States

do not adopt a normative instrument, these various sources can be referred to as de facto standards.

Oliver